

APPLICANTS: YAVETS-CHEN, Yehuda et al.
SERIAL NO.: 10/568,421
FILED: April 8, 2009
Page 6

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-18 are pending in the application. Claims 15-18 have been objected to. Claims 1-14 have been rejected.

Claims 1-18 have been canceled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

New claims 19-31 have been added herein in order to further define what the Applicants consider to be the invention. Applicants respectfully assert that no new matter has been added.

Remarks to the Abstract

In the Office Action, the Examiner objected to the Abstract both because the current abstract is two pages long and because the application does not contain an abstract.

In response, in addition to being confused as to how the abstract can be both not present and two pages long, Applicants remind the Examiner that this application is a US national stage application filed under 35 U.S.C. § 371 of International Patent Application No. PCT/US2004/000752, and under MPEP § 1893 Applicants are required to ensure that a copy of the international application has been received by the U.S. Designated or Elected Office prior to expiration of 30 months from the priority date. Submission of an Abstract on a separate sheet is not required for applications that were filed as US national phase applications. Applicants note that the abstract as filed otherwise satisfies all requirements of US law. Accordingly Applicants request that the Examiner withdraw the objection.

Remarks to the Drawings

The Examiner has objected to the drawings because there are two Fig. 3 shown. In response, Applicants have amended Sheet 1 of 5 of the application as filed containing Figs. 1-3 to renumber them as Figs. 1a, 1b and 2, respectively, to match the specification and to correct a typographical error. The entire drawing sheet (Sheet 1 of 5 containing Figs. 1a, 1b and 2 to replace the original Sheet 1 of 5 containing Figs. 1-3) containing each corrected drawing is enclosed for review by the Examiner.

The Examiner further objected to the drawings as not supporting claims 16-18. Claims 16-18 have been cancelled without prejudice or disclaimer. Applicants wish to point out that the compression device shown in the drawings may be operated electrically, pneumatically or hydraulically.

Remarks to the Specification

The Examiner has objected to the specification because it does not describe Figs. 1a and 1b as mentioned in the specification and because it contains an embedded hyperlink on page 3 of the specification.

With regard to the reference to the drawings, Applicants have amended the drawings to include drawings numbered as Figs. 1a and 1b as mentioned in the specification. The amendments to the specification are editorial in nature and do not introduce new matter.

With regard to the specification containing an embedded hyperlink, Applicants point out that MPEP § 608.01(VII) refers to a hyperlink or a browser-executable code as a URL placed between these symbols "<>" and http:// followed by a URL address. However, page 3 of the specification refers only to locations on the internet where sushi recipes have been published, without any such URL being incorporated by reference. Nevertheless, in order to speed prosecution, Applicants have deleted the reference to an Internet site from page 3.

Claim Objections

In the Office Action, the Examiner objected to claims 15-18 because of alleged informalities. Claims 15-18 have been canceled without prejudice or disclaimer. Accordingly, Applicants request withdrawal of the objection.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-14 have been canceled without prejudice or disclaimer. Applicants respectfully request that the rejections be withdrawn. Applicants also believe that the deficiencies in the claims that led to the 35 U.S.C. § 112, second paragraph, rejections are not present in new claims 15-31.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 4, 5 and 9 under 35 U.S.C. § 103(a), as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938) and Setecka (US 3,465,894).

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. § 103(a), as being unpatentable over Sugano in view of Young and Setecka, and in further view of Oseka (US 4,674,967).

In the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a), as being unpatentable over Sugano in view of Young and Setecka, and in further view of Anderson (US 5,224,962).

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Sugano in view of Young and Setecka, and in further view of Hatakeyama (US 2002/0172091).

In the Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Sugano in view of Young and Setecka, and in further view of Southworth (US 4,425,706).

In the Office Action, the Examiner rejected claims 10-14 under 35 U.S.C. § 103(a), as being unpatentable over Sugano in view of Young, Setecka, and Anderson, and in further view of Southworth and Locker (US 2,240,221).

Claims 1-18 have been canceled without prejudice or disclaimer. The following remarks are made in defense of new claims 19-31.

Applicants assert that none of Sugano, Young and Setecka, alone or in combination, teaches or suggests a sushi maker that includes "a cooked-rice container with an opening for dispensing a layer of rice on the seaweed layer when held by the roll-up sheet, the area of the opening being substantially equal to the area of the seaweed layer; and a cutting device for separating the dispensed layer of rice from rice contained in the container", as claimed in new independent claim 19.

In the sushi maker described by Sugano, the meal frame (item 4 in Fig. 1) holds a thin layer of rice ("meal"). The meal frame thus need only be inverted to deposit rice on the bending plywood. In the device described by Young, no container is provided for dispensing rice on the roller sheet (item 156 in Fig.15). Rather, a user simply spreads rice on the roller sheet (paragraph [0037]). Setecka describes a serving tray, and describes neither a sushi maker nor a container suitable for dispensing rice. Thus, neither Young nor Setecka can cure the deficiencies of Sugano.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since none of Sugano, Young and Setecka, alone or in combination, teaches or suggests all the elements of independent claim 19, the Examiner fails to establish a prima facie showing that Sugano, Young and Setecka, alone or in combination, teach or suggest every feature of claim 19.

Similarly, none of Oseka, Anderson, Hatekeyama, Southworth, and Locker discusses a container suitable for dispensing rice. Thus, Oseka, Anderson, Hatekeyama, Southworth, and Locker cannot cure the deficiencies of Sugano

Accordingly, Applicants respectfully assert that new independent claim 19 is allowable. New claims 20-31 depend, directly or indirectly, from new independent claim 19, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that new claims 20-31 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner not apply the rejections of claims 1-18 to independent claim 19 and to claims 20-31 dependent thereon.

APPLICANTS: YAVETS-CHEN, Yehuda et al.
SERIAL NO.: 10/568,421
FILED: April 8, 2009
Page 10

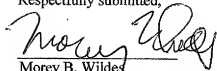
Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Morey B. Wildes
Attorney/Agent for Applicant(s)
Registration No. 36,968

Dated: March 14, 2011

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801